

Amendment No. 1 to SB1278

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 1278

House Bill No. 432*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-103(b), is amended by adding the following as a new subdivision (b)(4) and redesignating the current subdivision (b)(4) appropriately:

(A) Reckless endangerment under the circumstances set out in subdivision (b)(4)(B) is a Class E felony and shall be punished as an act of community terrorism, which includes, in addition to any period of confinement, the following:

- (i) A minimum fine of five thousand dollars (\$5,000); and
- (ii) Except as provided in subdivision (b)(4)(D):

(a) Revocation of the driver license for a period beginning on the date of conviction and continuing for a period of five (5) years following release from confinement, if the defendant had a valid driver license on the date of conviction for the offense; or

(b) A prohibition against the department issuing a driver license to the defendant for a period beginning on the date of conviction and continuing for a period of five (5) years following release from confinement, if the defendant did not possess a valid driver license at the time of conviction for the offense.

(B) Subdivision (b)(4)(A) applies to reckless endangerment committed by discharging a firearm:

- (i) Into a group of two (2) or more people;

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(ii) From within a motor vehicle, as defined by§ 55-1-103; or

(iii) Into a motor vehicle as defined by§ 55-1-103.

(C)

(i) Upon ordering the license revocation of the defendant pursuant to subdivision (b)(4)(A)(ii), the court shall submit a copy of the conviction, including the order for revocation of the driver license, to the department of safety.

(ii) Upon receipt of a conviction, the department shall revoke the defendant's driver license if the defendant had a valid license on the date of conviction. Except as provided in subdivision (b)(4)(D), the driver license shall not be reinstated or, if the defendant did not have a driver license on the date of conviction, issued until the five-year period following release from confinement has expired and the defendant submits documentation showing, to the satisfaction of the department, the date the defendant was released fromconfinement.

(D) A person whose driver license has been revoked or issuance prohibited pursuant to subdivision (b)(4)(A)(ii) may, upon release from confinement, apply to the court or any court of competent jurisdiction in the person's county of residence for a restricted driver license. The court may allow the issuance of a restricted driver license for the purpose of going to and from and working at the person's regular place of employment; going to and from the person's regular place of worship; and, in the case of a student enrolled full time in an institution of higher education, going to and from that

institution. If the court orders the issuance of a restricted license, the person may obtain a certified copy of the order and, within ten (10) days after issuance of the order, present the order with an application fee of sixty-five dollars (\$65.00) to the department, which shall issue a restricted license embodying the limitations imposed in the order.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.